

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Appeal No. 132-DBA of 1997

Date of Decision :- March 20, 2007

State of Haryana

....APPELLANT

VERSUS

Jai Pal Singh

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL
HON'BLE MR. JUSTICE ARVIND KUMAR

Present:- Mr. Kulvir Narwal, Addl. Advocate General, Haryana.

Mr. K.S.Jetly, Advocate for the respondent.

MEHTAB S.GILL, J.

This is an appeal filed by the State against the judgment dated 21.3.1996 of the learned Additional Sessions Judge, Jagadhri, against the acquittal of Jai Pal Singh son of Siri Ram.

The case of the prosecution is unfolded by the statement of Rajinder Pal Ex.PM, father of deceased Saroj Bala. Statement Ex.PM was recorded on 16.7.1993 at 9.15 a.m. by ASI Bishamber Dayal.

Rajinder Pal stated, that his daughter Saroj Bala was a J.B.T. teacher in Government Primary School. In June, 1993 she was transferred to Government Primary School, Kail. About 2¾ years earlier to his

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retirement, Jai Pal Singh started taking liquor. On 15.7.1993 at about 9.45 p.m., Jai Pal Singh under the influence of liquor came to Village Marwa. His two children were along with him. He told Rajinder Pal that he would kill his daughter. This threat was given on 4.7.1993. At 2.00 a.m. in the morning, the landlord of Jai Pal Singh came to Rajinder Pal and told him that his daughter had been burnt. Rajinder Pal then went to Jagadhri and found his daughter in Civil Hospital, Yamunagar. There he came to know that Jai Pal had sprinkled kerosene oil on her and set her ablaze.

The prosecution to prove its case brought into the witness box Dr. V.K.Sharma as PW1, Jai Kishan SI as PW2, Om Parkash UGC as PW3, Dr. Ravi Kansal as PW4, Dr. Prem Chand as PW5, Harnam Dass Draftsman as PW6, Vinod Kumar as PW7, Pardeep Kumar as PW8, Ishwar Dutt as PW9, Ranbir Singh ASI as PW10, Budh Ram Constable as PW11, Surinder Kumar as PW12, Anand Parkash as PW13, Roop Chand as PW14, Devki Devi as PW15, Sham Lal as PW16, Vineet Kumar as PW17 and Bishamber Dayal ASI as PW18.

Learned counsel for the State has argued, that the statement of the child witness Vineet Kumar PW17 is sufficient to prove the guilt of the respondent/accused. Vineet Kumar is the son of the respondent/accused and he would never give false evidence against his own father. He has not been tutored. Similarly, the statements of the other witnesses have supported the case of the prosecution.

Learned counsel for the respondent/accused has argued, that there is delay in lodging of the FIR. The only witness to the occurrence

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Vineet Kumar PW17 cannot be relied upon, as he has been tutored. There are material discrepancies in his statement.

We have heard the learned counsel for the parties and perused the impugned judgment and the record with their assistance.

The eye witness to the occurrence is Vineet Kumar PW17. Though he being the son of the deceased and the accused, but from the evidence given by him in the Court, it seems that he has been tutored. Vineet Kumar PW17 has stated, that his statement was recorded at 10.00 a.m. on 16.7.1993 and thereafter, he went with his maternal grand mother to her village. The Investigating Officer ASI Bishamber Dayal PW18 has stated, that he reached the spot at 1.00 p.m. and thereafter, recorded the statements of the witnesses. In his statement Vineet Kumar PW17 has admitted, that the police met him in the Court compound on each and every date of hearing and also used to meet him in the village. The injuries inflicted, as stated by this witness on his mother i.e. of dragging, slaps and fist blows on the face, head and other parts of the body, do not get corroboration from the medical evidence i.e. the statement of Dr. V.K.Sharma PW1. Apart from burn injuries, there are no other injuries on the body of the deceased.

The two eye witnesses Anand Parkash PW13 and Devki Devi PW15, who are neighbours, have stated that when they reached at the place of occurrence and saw Saroj Bala burning, respondent/ accused was extinguishing the fire. They also put clothes on the deceased. Respondent/accused had also asked Anand Parkash PW13 to inform the parents of the deceased. It is Anand Parkash PW13, who went to the

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parents of the deceased to inform them about the burn injuries, which Saroj Bala got on her body. This fact has been admitted by Ishwar Dutt PW9, the brother of the deceased. Dr. V.K.Sharma PW1 has stated, that Jai Pal Singh had brought the deceased to the hospital. Jai Pal Singh had received injuries on his hands and other parts of the body, when he tried to extinguish the fire. Dr. Prem Chand PW5, who performed the post mortem, has stated, that the fire injuries on the person of the deceased could be caused, when a kerosene oil stove burst while cooking.

We do not find any infirmity in the judgment of the learned trial Court.

Dismissed.

(MEHTAB S.GILL)
JUDGE

(ARVIND KUMAR)
JUDGE

March 20, 2007
SKA

WHETHER TO BE REFERRED TO REPORTER? YES/NO